

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE CESSNA 208 SERIES AIRCRAFT)
PRODUCTS LIABILITY LITIGATION) MDL No. 1721
)
) Case No. 05-md-1721-KHV
(This Document Relates to All Cases))
)
)
_____)

**STIPULATED ORDER ON DISCLOSURE
AND DISCOVERY OF EXPERT WITNESSES
IN THE MDL PROCEEDINGS**

WHEREAS the Court’s Discovery Order issued on April 24, 2007 (Doc. 208) defined two broad issues on which expert disclosures and discovery are to be conducted in the MDL: (1) aircraft design and manufacture, and (2) aircraft performance during icing conditions;

WHEREAS the Court recognized, however, “that there may be additional common issues appropriate for expert disclosure and discovery in the MDL that were not set forth in the parties’ briefing” (Doc. 208, p. 4); and

WHEREAS the Court noted in its Order that if the parties wished to modify the “common issues” it had defined, they could submit a stipulated list of common MDL issues on which expert witness disclosures and discovery will be conducted during the MDL.

UPON STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED

(1) Plaintiffs’ “Common Issue” Experts. During the MDL proceedings and subject to any scheduling orders entered by the Court, plaintiffs shall, pursuant to Fed. R. Civ. P. 26(a)(2), disclose and make available for discovery all expert witnesses who are reasonably expected to offer testimony or opinions that will criticize, critique, or otherwise comment on the design, testing, certification, manufacture, or operation of the

Cessna Caravan 208 series aircraft or its components. For example, all experts retained by plaintiffs to offer testimony or opinions on aircraft certification; the Delegated Option Authority system; aircraft aerodynamics; aircraft design; warnings, including format, location and content of placards and information contained in the aircraft Pilot's Operating Handbook/Airmen's Flight Manual; flight testing; anti-ice and de-icing system design, testing, and performance; and flight into known icing (FIKI) certification will be disclosed and made available for discovery in the MDL. In addition, experts on corporate risk management, corporate organization, response to product claim issues, and statistical and trend analysis in aircraft accident data will also be disclosed and made available for discovery in the MDL.

(2) Defendants' "Common Issue" Experts. During the MDL proceedings and subject to any scheduling deadlines ordered by the Court, defendants shall, pursuant to Fed. R. Civ. P. 26(a)(2), disclose and make available for discovery all expert witnesses who are reasonably expected to offer testimony or opinions on the design, testing, certification, manufacture, or operation of the Cessna Caravan 208 series aircraft or its components, either in support of the safety and reliability of these systems, and/or in response to Plaintiffs' experts. The parties stipulate and agree that the current or former employees of a defendant corporation shall not be considered Defendants' "Common Issue" Experts and are therefore excluded from disclosure and discovery as expert witnesses.

(3) Other experts to be disclosed after remand. The parties further stipulate and agree that expert witnesses expected to offer opinions or testimony on issues unique to each individual accident and not listed in paragraphs 1 or 2 above should be disclosed

and made available for discovery after the cases have been remanded from the MDL to the transferor districts. Such “case specific” experts will include those offering testimony or opinions on pilot performance; accident reconstruction; weather; accident aircraft maintenance; system performance, including engine and deicing system performance; accident investigation; crew resource management; human factors; economics and accounting (damages); medicine; and psychology.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 12th day of June, 2007.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

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